



VIA ELECTRONIC MAIL

February 18, 2025

Rickey Tse, P.E.
Electric Safety and Reliability Branch
Safety and Enforcement Division
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, CA 94102-3298

PUBLIC VERSION

Re: Charter Communications, Inc. Response to Report Communications Infrastructure Provider (CIP) Audit of Charter's Bakersfield Service Area

Dear Mr. Tse:

This letter is submitted in response to the Safety and Enforcement Division's Electric Safety and Reliability Branch ("ESRB") January 14, 2025 report on *Communications Infrastructure Provider (CIP) Audit of Charter's Bakersfield Service Area* ("Audit Report"). Charter Communications, Inc., on behalf of its pole attacher affiliate ("Charter") has reviewed the Audit Report and the issues raised in the report and, as of the time of this filing, has made all repairs or notified third parties where issue owner is a third party, in response to the "Field Inspection" and "Observation" portions of the Audit Report. A confidential spreadsheet is attached which summarizes each field issue and indicates the repairs made, if needed for compliance, and the date completed. See **Confidential Attachment 1**. Further, this letter addresses issues raised in the "Records" section of the Audit Report.

The Audit Report features confidential information and Charter requests that the Commission not disclose the confidential unredacted Audit Report given that such confidential information was provided with a declaration supporting a request for confidential treatment, and General Order 66-D and Pub. Util. Code § 583 dictates that such information cannot be disclosed without a Commission order. Please note that both this letter and the attached documents are also confidential. Enclosed is a declaration supporting Charter's request for confidential treatment of both the information in this letter as well as the attached confidential documents.

Charter would welcome the opportunity to discuss with you to clarify our responses prior to any subsequent report or reply related to this audit. If you have questions regarding this response, please reach out to Torry Somers (torry.somers@charter.com) and me (ryan.lindsey@charter.com).

Sincerely,

/s/ Ryan Lindsay

Ryan Lindsay
Senior Manager, Construction

Enclosures

- Confidential Attachment 1 – Documentation of Corrections Responding to Audit Report
- Confidential Attachment 2 – Additional Patrol Inspection Log (February 2025)

Cc: Lee Palmer, Director, Safety and Enforcement Division
Fadi Daye, Program and Project Supervisor, ESRB
Yi (Rocky) Yang, Senior Utilities Engineer (Supervisor), ESRB
Stephen Lee, Senior Utilities Engineer (Supervisor), ESRB
Gordon Szeto, Utilities Engineer, ESRB
Nora Nguyen, Utilities Engineer, ESRB
Madonna Ebrahimof, Staff Services Analyst, ESRB, SED
Torry Somers, Charter
Lisa Ludovici, Charter

(Response to Audit Report Begins on Next Page)

As to the finding regarding tier identification in the SPIDA database, Charter notes that the SPIDA database indicates within each location record whether the location is part of a node configuration in a Non-HFTD or a HFTD Tier 2 or Tier 3. However, when data is exported from SPIDA into an Excel spreadsheet report, the platform will not indicate tier levels but only a flag indicating “Yes” or “No” whether the location is in a HFTD or not.

*C. **ESRB Finding:** Charter states in their CPUC Inspection Compliance Program, North West Region, Patrols will be done annually (Tier 3) and every 2 years (Tier 2) to record major safety non-compliance issues. The SPIDA database record shows that there were [BEGIN CONFIDENTIAL] [REDACTED] [END CONFIDENTIAL], each with a finding recorded. However, there were no records of Patrols where there were no findings. This does not comply with GO 95 Rule 18-B that the Maintenance Program be auditable and must include, at a minimum, records that show the date of the inspection, type of equipment/facility inspected, findings, and a timeline for corrective actions to be taken, even if there were no findings. The record must identify the pole/facility that was patrolled even if there was not a finding. Also, it was noted that the SPIDA records for some Detailed Inspections did not record the pole number, but listed "NT" in the column for "pole number". The inspection record should list the pole number of the pole inspected, which should be available in the inspection database from the address and Latitude and Longitude information. This will ensure the inspection record is auditable, and if there are any future or past issues with the pole, it can be traced to the inspection record.*

CHARTER RESPONSE:

Charter continually evaluates its auditable maintenance program technical inspection record-keeping practices and will further evaluate its practices in light of the recommendations made in this Audit Report. Charter conducts patrol (and detailed) inspections in accordance with Charter's inspection program, which ESRB has reviewed in numerous prior audits (along with patrol inspection data) and previously not identified any violations. ESRB audited virtually the same areas as the present audit in 2022 and found no violations in Charter's records. The records provided to ESRB in the present audit from PRISM and SPIDA databases document corrective actions completed on Charter's facilities as a result of patrol inspections.

In light of the ESRB's new approach to evaluating patrol inspection records, Charter has conducted an additional round of patrol inspections in the Tehachapi area following the release of the Audit Report. The results of the additional round of patrol inspections are detailed in **Confidential Attachment 2**.

Regarding poles identified as "NT," Charter notes that it does not own poles in this area and must rely on pole owners to tag their poles or to be able to identify them when Charter inquires. If Charter cannot reasonably ascertain a pole number from the pole owner, it is listed as "NT." Regardless, Charter includes specific location information (lat/long) associated with the pole in its records, in compliance with the governing rule. Charter is not aware of any requirement in Rule 18-B that expressly requires collection and retention of utility pole numbers associated with inspection records.

*D. **ESRB Finding:** [BEGIN CONFIDENTIAL] [REDACTED]*

[REDACTED]

[REDACTED]

[REDACTED]

[END CONFIDENTIAL]

CHARTER RESPONSE:

As to the finding regarding the number of inspection records, Charter continually evaluates its technical inspection record-keeping practices and will further evaluate its practices in light of the finding made in this Audit Report. However, Charter notes that the finding appears to significantly under-represent the number of inspections identified in the spreadsheet presented to ESRB. [BEGIN CONFIDENTIAL]

[REDACTED]

[END CONFIDENTIAL]

Charter also notes that the estimated number of inspections that “should” be conducted over a five-year period according to the Audit Report finding does not appear to be an accurate method to calculate the actual number of inspections required under General Order 95 for this particular audit. The Audit Report’s estimate appears to assume that all inspections would be made on Day 1 of the five-year period, which is not necessarily the case for the facilities at issue in this audit and which may have been validly inspected before and/or after Day 1 of the five-year period. The estimate approach in the Audit Report also appears to potentially double-count inspections where one inspection, if detailed, could count toward both the patrol and detailed inspection requirement (e.g., if there is a detailed inspection of a Tier 3 facility in a given year, that inspection could count toward the patrol and detailed requirement for that year).

In light of the ESRB’s new approach to evaluating patrol inspection records, Charter has conducted an additional round of patrol inspections in the Tehachapi area following the release of the Audit Report. The results of the additional round of patrol inspections are detailed in **Confidential Attachment 2**.

[REDACTED]

E. ESRB Finding: [BEGIN CONFIDENTIAL]

[END CONFIDENTIAL]

G. ESRB Finding: *The SPIDA inspection records did not identify the personnel who performed the inspections, which does not comply with GO 95, Rule 80.1.A.(4) Record Keeping.*

CHARTER RESPONSE:

Although this information is included in Charter's databases, Charter does not disclose to third parties personally identifying information regarding individual employees in the normal course of business. This approach is consistent with Charter's past approaches to Commission pole audits.

H. ESRB Finding: [BEGIN CONFIDENTIAL]

[REDACTED]

[END CONFIDENTIAL]

CHARTER RESPONSE:

As noted above, the locations cited will be reviewed and corrected in Charter's database. Furthermore, Charter has begun a review of its designated HFTD areas and will correct any discrepancies.

I. ESRB Finding: [BEGIN CONFIDENTIAL]

[REDACTED]

[END CONFIDENTIAL]

CHARTER RESPONSE:

As noted above, Charter's design group is in the process of reviewing and addressing any discrepancies ESRB has presented in the data identified in the Audit Report.

II. "Field Inspection" and "Observations"

A confidential spreadsheet is attached which summarizes each "Field Inspection" and "Observations" issues identified in the Audit Report and indicates the repairs made and/or third-party communications made, if needed for compliance, and the date completed. See **Confidential Attachment 1**.

**DECLARATION OF TORRY R. SOMERS
SEEKING CONFIDENTIAL TREATMENT**

I, Torry R. Somers, declare as follows:

1. I am Vice President, State Regulatory Affairs, of Charter Communications, Inc. (“Charter”) and am authorized to make this declaration.
2. Charter is submitting its spreadsheet response (“Response”) to the Safety and Enforcement Division Audit Report of the Bakersfield District, with this request for confidential treatment made pursuant to Section 3.2 of General Order (“GO”) 66-D.
3. Audit Information: I am informed and believe that the Public Records Act, including but not limited to California Government Code §§ 7923.600, 7929.215, and 7930.100 protects against disclosure of investigatory information, which includes the type of audit information set forth in the attached.
4. Critical Infrastructure Information: The Response contains sensitive information regarding Charter’s network infrastructure. I am informed and believe that the California Public Records Act protects against disclosure of confidential “utility systems development” data, like the data contained herein. California Government Code § 7927.300. Moreover, I am informed and believe that state law protects against disclosure that is prohibited under federal law—federal law protects against the disclosure of information regarding critical infrastructure (6 U.S.C. § 673), which has been found to include communications network information like the information being submitted here. The information is not customarily in the public domain and is not solely related to the location of a particular physical structure that is visible with the naked eye. The enclosed infrastructure information is critical to our nation’s communications networks, and disclosure of these records could harm public safety and network reliability by exposing to attack specific locations, operations, and functionalities of communications and utility infrastructure.
5. Trade Secret: The Response contains confidential network and operational information that is not disclosed to the public. This Response contains information that reveals unique planning, design and implementation efforts used to provide safe, reliable and competitive service to consumers in these areas. I am informed and believe that this information has significant value to Charter. This information would, if disclosed, provide access to information that would harm the private economic interests of Charter and could jeopardize the security of its network. I am informed and on this basis declare that the information provided constitutes a trade secret as defined by California Civil Code § 3426.1 and California Evidence Code Section 1061 — California Government Code §§ 7927.605 and 7930.105 exempts from public disclosure competitively sensitive information that constitutes a trade secret.
6. Public Interest Not to Disclose: The Response contains competitively sensitive material, and critical information not available to the public, that would be harmful to Charter if publicly disclosed, which weighs in favor of non-disclosure under California Government

Code § 7922.000. In contrast to the direct harm that Charter would suffer from disclosure — by losing its competitive advantage with respect to operations and network design and management, and jeopardizing the safety of its network — there would be no apparent benefit to the public from disclosure of the responses. Further, a failure to preserve the confidentiality of the records would discourage compliance with disclosure requirements and undermine the Commission’s ability to perform its duties.

7. Employee Information: The Response contains sensitive personal information regarding Charter’s employees, and I am informed and believe that such information is protected from disclosure under California Government Code § 7927.700.
8. To the extent that there is a need to make contact regarding potential release of information, such contact should be made to Torry Somers, torry.somers@charter.com or Charter’s counsel, zzankel@jenner.com.

I affirm and declare under penalty of perjury under the laws of the State of California, including Rule 1.1 of the CPUC’s Rules of Practice and Procedure, that to the best of my knowledge, all of the statements and representations made in this declaration are true and correct.

Executed on this 18th day of February, 2025 at El Segundo, California.

/s/ Torry R. Somers

Torry R. Somers

REDACTED PUBLIC VERSION

2025 Aerial High Fire Node List

REDACTED PUBLIC VERSION